United Nations S/2008/488

Security Council

Distr.: General
30 July 2008

Original: English

Letter dated 24 July 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith resolution No. 1 adopted by the National Assembly of the Sudan rejecting the indictment by the Prosecutor of the International Criminal Court against senior officials of the State, including the President of the Republic, as well as resolution No. 2 (see annexes).

I should be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Abdalmahmood Abdalhaleem **Mohamad**
Permanent Representative

08-45962 (E) 190808

Annex I to the letter dated 24 July 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Republic of the Sudan
The National Assembly

Extra-ordinary Session of Convention
Resolution No (1)

Rejecting the Indictments of the Prosecutor of the International Criminal Court (ICC) against Senior Officials of the State including H.E. the President of the Republic

Pursuant to the provisions of Article 93(3) of the Interim National Constitution of the Republic of Sudan, 2005, read together with Article 23(3) of the National Assembly *Conduct of Business* Regulations 2005,

The National Assembly:

On the basis of its previous resolutions regarding the inclusive national peace,

Affirming its role in protecting the peace agreements and commitments to their implementation,

Considering the national accord and political consensus the key elements towards stability and development,

Pushing forward the movement of democratic progress and political reform,

Confirming its oversight and legislative role

Obliged by its duty towards the citizens regarding their enlightenment on the challenges facing the country, and

Considering its leading national role in general,

Held an extra-ordinary Sitting upon the request of more than half of its members to deliberate on the indictments of the Prosecutor of the International Criminal Court (ICC) against a number of leading officials of the State, at the top of whom is the President of the Republic, of committing war crimes: genocide and

crimes against humanity. Moreover, the Prosecutor asked the ICC to issue a warrant awarding them. The members, however deliberated on the issue and its repercussions with full seriousness, responsibility and transparency, aware of the challenges these allegations pose before the peace process and political reform, along with the problems which these allegations may bring about, regarding stability of the country, its unification, integrity and efficiency of its executive organs, in addition to the economic challenges.

The National Assembly has issued the following resolution:-

1. The Assembly commends the approach of inter-dialogue and consultation of the parliamentary blocs on the issue under discussion and the previous ones, and calls for enhancing and consolidating this approach in all issues and the national issues in particular, and that the blocs should agree on the methods and mechanisms that sustain such dialogue and consultation.

2. The National Assembly affirms that such allegations have no legal evidence, but they stand as an insult and an affront to the dignity of H.E. the President of the Republic, who is the symbol of the sovereignty of the country, that such allegations and related proceedings contravene the international law, and they lack the simplest rules of probing and investigations and the proper ways of prosecution due to the fact that they are based on suspicion and absolute deduction and prospects.

3. The National Assembly upholds the Council of Ministers resolution refusing to deal with the ICC and its Prosecutor because Sudan is not a member of Rome Statute establishing the ICC through an international convention which has not been ratified by Sudan. But, since Vienna Agreement on International Conventions law, 1969, which was signed by Sudan, sets forth conditions stipulating that a member must recognize and ratify any international agreements prior to the application of its provisions to the said member, Sudan will hold to its right to reject the ICC jurisdiction. What supports Sudan rejection is that the ICC is not one of the United Nations bodies and is not one of the bodies required to penalize the UN member states according to Articles 41 and 42 of Chapter (7) of the United Nations Charter. Therefore, the ICC has no jurisdiction over Sudan.

4. The National Assembly confirms that the report of the ICC Prosecutor and the claims based thereupon stem from an ideological political view, and that the major impacts thereof will be reflected on weakening the sovereignty of the State and the ability of the government organs to

carry out and perform their duties by weakening the head of the State position, which threatens the stability and unity of the country as well as the regional peace.

5. The Assembly, as well, draws attention to the fact that these invalid indictments and claims against the President of the Republic based thereon will weaken the Presidency, which is one of the most important mechanisms for implementing the Comprehensive Peace Agreement (CPA, needless to say that such claims and allegations have negative impacts on the implementation of the CPA and the other peace agreements.

6. The Assembly hereby points out that these allegations and claims are not in the interest of the issue of Darfur or its people in any way, but they complicate the situation in Darfur and send negative signals that may undermine the peace negotiations in Darfur and threaten security therein and drive the rebel movements to further obstinacy and taking hard line as well as raising the level of their demands. The Assembly also warns that mentioning the names of certain tribes in the report of the Prosecutor alleging that they are exposed to genocide, aims at igniting ethnical unrest, turning tribes against each other, a thing that aborts any attempts to heal the social fabric and enhances peace in Darfur.

7. The Assembly expresses its concern over the campaign launched by the Prosecutor of the ICC which may threaten the great promises and objectives resulting from passing the Elections Act, and the great step it represents towards the democratic transformation and the political reform.

8. The National Assembly affirms, as a result of these developments that cohesion of the internal front, is the real cure for any attempt targeting the Sudan and its people and call for consolidating and doubling efforts towards further political dialogue and consultation and realizing consensus among the political forces in order to strengthen the national unity and preserve the gains of the Comprehensive Peace Agreement, Darfur Peace Agreement and East Peace Agreement.

9. Recognizing the right of the State to safeguard the security of the country and its sovereignty, protect its citizens and properties, the Assembly calls upon the government to double its efforts to reach a final and just solution to Darfur issue and also call on the government to be very keen in Darfur Peace Agreement implementation, in a just and acceptable way to all parties. In this respect, the Assembly calls on the

government to follow up implementation of all peace agreements in their set periods and endeavor seriously to eliminate impediments pushing what are not implemented thereof.

10. The Assembly calls upon the UN and its organizations, AU, Arab League, Islamic Conference Organization, international and regional unions and councils as well as parliaments, besides countries sponsoring peace agreement, to fulfil their pledges by consolidating the peace process and development projects, in addition to supporting Sudan especially in the current issue raised by the ICC in accordance with the principles of justice.

11. The Assembly also calls upon the UN to shoulder its responsibility of the full and just implementation of UN Charter, ensure the rights of member states according to equal and just criteria and not allowing exploitation of UN organs or Charter, using it selectively to take unfair and unjust measures against any country in the world.

Certificate

I, hereby, certify that the National Assembly issued the abovementioned resolution in its Sitting No. (1) of the extra-ordinary session of convention, dated 15th Rajab, 1429, corresponding to 16th July, 2008

Ahmed Ibrahim El Tahir
Speaker,
The National Assembly

Ahmed Ibrahim
Al-Tahir
Speaker,
The National Assembly

Annex II to the letter dated 24 July 2008 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Republic of the Sudan
The National Assembly

Extra-ordinary Session of Convention
Resolution No (2)
Refusing the Ratification of Rome Agreement
Establishing the International Criminal Court (ICC)

Pursuant to provisions of Article 93(3) of the Interim National Constitution of the Republic of Sudan, 2005, read together with Article 23(2) of the National Assembly Conduct of Business Regulations 2005,

On the basis of the previous resolutions regarding the indictive national issues,

Affirming its role in protecting the peace agreements and consolidating its their implementation, and consolidating the national accord and political consensus- the key elements towards stability and development- and pushing forward the movement of democratic progress and political reform,

Confirming its oversight and legislative role and commitment of its duty towards the citizens and their enlightenment of the challenges facing the country, and
Consolidating its leading national role in general,

The National Assembly held an extra-ordinary Sitting upon the request of more than half of its members. They deliberated on the accusations of the Prosecutor of the International Criminal Court (ICC) against a number of senior officials of the State, including the President of the Republic, of committing war crimes, genocide and crimes against humanity. Moreover, the Prosecutor asked the ICC to issue a warrant arresting them. The members, however deliberated on the issue and its repercussions with full seriousness, responsibility and transparency, and were informed of the challenges which will face peace process and political reform as a result of these allegations, together with the problems which these allegations may bring about, regarding stability in the country, its unification, integrity and solidarity of its executive organs, in addition to the economic challenges. The Assembly also deliberated on signing of Rome Agreement establishing the ICC and issued the following resolution:-

Rejection of the ratification of Rome Agreement establishing the ICC and signing thereof by the Government of the Sudan is therefore deemed as if it did not take place.

Certificate

I, hereby, certify that the National Assembly issued the above-mentioned resolution in its Sitting No. (1) of the Extra-ordinary Session of Convention, dated 13th Rajab, 1429, corresponding to 16th July, 2008.